

AMENDED IN SENATE APRIL 27, 2006

AMENDED IN SENATE APRIL 17, 2006

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1593

Introduced by Senators Runner and Lowenthal

(Principal coauthor: Assembly Member Oropeza)

(Coauthor: Assembly Member Benoit)

February 24, 2006

An act to amend Sections 22658, 22953, and 40000.15 of, and to repeal Section 22658.2 of, of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1593, as amended, Runner. Vehicles: removal: ~~storage~~ *private property*.

Existing law authorizes a private property owner to have a motor vehicle towed from his or her property, under certain conditions.

This bill would declare the intent of the Legislature to examine the law relating to the towing of motor vehicles from private property at the request of the property owner.

(1) ~~Existing law requires a towing company to remove a vehicle parked on private property to the nearest public garage under specific circumstances if, among other things, the property owner or lessee's prior written authorization is obtained. Existing law requires as one of the conditions under which a vehicle may be removed from private property that a sign of specified dimensions and specified size for lettering conveying specified information be posted on the property. Existing law makes it a crime to violate provisions of the Vehicle Code.~~

~~This bill would recast these provisions and would, among other things:~~

~~(a) Require a vehicle to be removed to a storage facility meeting certain requirements, as specified.~~

~~(b) Require a towing company to post a \$25,000 bond and to hold a valid motor carrier permit, and to provide copies of the bond and permit to the owner, owner's agent, or person in lawful possession of the private property.~~

~~(c) Eliminate the liability of a towing company for damages to a removed vehicle while in transit and subsequent storage if the removal is made with the authorization of the owner, owner's agent, or person in lawful possession of the private property.~~

~~(d) Subject to a civil liability of \$2,500, a towing company that fails to obtain the required bond.~~

~~(e) Require the owner, or lessee of the private property, or an employee or agent of the owner or lessee, to have a written agreement containing specified terms with a towing company before authorizing the removal of a vehicle parked on the private property.~~

~~(f) Increase the liability of an owner, owner's agent, or person in lawful possession of the private property, not to exceed \$750, who fails to comply with specified requirements.~~

~~(g) Make a tow truck operator liable for a specified amount if the operator fails to return a vehicle to the vehicle's owner or owner's agent, upon his or her request, when the vehicle has not been removed from the property.~~

~~(h) Limit, to a specified amount, the release fee that a storage facility operator may charge for releasing a vehicle after normal business hours, as defined.~~

~~(i) Require a tow truck operator and all of the towing company's drivers to meet specified requirements.~~

~~(j) Require a tow truck operator removing vehicle from a private property to take 2 photographs of the vehicle clearly showing the violation before removing the vehicle and to provide a vehicle owner or owner's agent with a photocopy of the photograph, under specified conditions.~~

~~(k) Require a tow truck operator, upon a vehicle owner's request, to immediately and unconditionally release a vehicle that is not yet removed from private property and in transit.~~

~~(l) Require a person operating or in charge of a storage facility to conspicuously display in that portion of the office where business is~~

~~conducted with the public a sign of specified dimensions and lettering advising that a valid bank credit card and cash are acceptable means of payment.~~

~~(m) Authorize, under a general authorization to remove a vehicle, the removal of vehicles that are illegally parked in a space or stall designated for disabled persons.~~

~~(n) Require the tow truck operator to notify the appropriate law enforcement agency of the removal, within 60 minutes of removing the vehicle from the private property.~~

~~The bill would make a violation of some of the above provisions a misdemeanor, thereby, imposing a state-mandated local program.~~

~~(2) Existing law prohibits an owner or person in lawful possession of private property that is held open to the public, or a discernible portion thereof, for parking of vehicles at no fee, from towing or removing, or causing the towing or removal of a vehicle within one hour of the vehicle being parked, except as excluded.~~

~~This bill would exclude from this prohibition a vehicle that is parked in a manner that interferes with an entrance to, or exit from, the private property.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.~~

The people of the State of California do enact as follows:

- 1 *SECTION 1. It is the intent of the Legislature to examine the*
- 2 *law relating to the towing of motor vehicles from private*
- 3 *property at the request of the property owner.*

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**All matter omitted in this version of the bill
appears in the bill as amended in Senate,
April 17, 2006 (JR11)**

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